

PATENT COOPERATION TREATY

From the:
INTERNATIONAL SEARCHING AUTHORITY

To:

Anderson Taylor & Associates
10 Harrison Avenue
BONNET BAY NSW 2226

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

| | | |
|--|---|---|
| Applicant's or agent's file reference MAT/dr | | Date of mailing (day/month/year) 12 NOV 2004 |
| | | FOR FURTHER ACTION See paragraph 2 below |
| International application No. PCT/AU2004/001354 | International filing date (day/month/year) 6 October 2004 | Priority date (day/month/year) 6 October 2004 |
| International Patent Classification (IPC) or both national classification and IPC Cl. 7 B60D 1/02, 7/00; B62D 21/14, 21/20, 63/06; B60P 3/07, 3/06 | | |
| Applicant TUCK-A-WAY ENGINEERING & DESIGN PTY.LTD et al. | | |

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input checked="" type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

| | |
|---|---|
| Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929 | Authorized Officer L. DESECAR Telephone No. (02) 6283 2381 |
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**WRITTEN OPINION OF THE
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International application No.

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Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. IV Lack of unity of invention

1. ☐ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:
- ☐ paid additional fees
- ☐ paid additional fees under protest
- ☐ not paid additional fees
2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
- ☒ not complied with for the following reasons:

The international application does not comply with the requirements of unity of invention because it does not relate to one invention or to a group of inventions so linked as to form a single general inventive concept. In coming to this conclusion the International Searching Authority has found that there are different inventions as follows:

1. Claims 1-9 are directed to a trailer having a hitch apparatus including the features as defined. It is considered that *the head bracket being pivotal on the trailer frame between a forwardly extending operative position for the hitch apparatus and an inoperative space saving storage position* comprises a first special technical feature.
2. Claims 10 is directed to a hitch apparatus for a trailer including the features as defined. It is considered that *a tow bracket for attachment to the trailer frame in a manner permitting an extended range of towing angles* comprises a second special technical feature.

Independent Claims 1 and 10 share the common features of *a hitch apparatus including a tow head adapter securable to a tow bar, an universal joint and a tow head bracket*, however these features are well known from the prior art document for example US 4548423 A (CRAVEN) 22 October 1985, consequently the common features are not a special technical feature within the definition of the PCT rule 13.2 since they do not together make a contribution over prior art. Therefore the inventions as defined in the above groups of claims lack unity a posteriori.

4. Consequently, this opinion has been established in respect of the following parts of the international application:
- ☒ all parts
- ☐ the parts relating to claims Nos.

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Box No. V **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

| | | |
|-------------------------------|-------------|-----|
| Novelty (N) | Claims 1-9 | YES |
| | Claims 10 | NO |
| Inventive step (IS) | Claims 1-9 | YES |
| | Claims 10 | NO |
| Industrial applicability (IA) | Claims 1-10 | YES |
| | Claims | NO |

Citations and explanations:

NOVELTY (N) Claim 10:

US 4548423 A

The above document also cited in the international search report discloses all the features of the claim. For example see column 1 line 59 to column 4 line 7, Figures 1-6, wherein it clearly discloses a connecting device involving the features as defined and in particular a trailer hitch (10), a tow head adapter (50), an universal joint (14, 16) and a tow head bracket (94, 96), permitting an extended range of towing angles.

INVENTIVE STEP (IS) Claim 10:

As above.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 1 is not clear because no antecedent exists for "said trailer frame" in lines 4-6 and 7.

Claim 4 is not clear because no antecedent exists for "said tow bar adapter" in line 5.